

**Enrolled Minutes of the Seventh-Ninth Regular or Special Meeting  
For the Twenty-Sixth Highland Town Council  
Regular Meeting  
Monday, March 14, 2011**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, March 14, 2011 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark Herak, Brian Novak and Konnie Kuiper were present. Councilor Dan Vassar was absent owing to work-related travel. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council discussed the standing budget hearing convened by the Department of Local Government Finance at the Lake County Administration Building. At that standing hearing, the hearing officer received additional testimony from the taxpayers who filed a remonstrance petition at the time of the FY 2011 budget's adoption.
3. The Town Council discussed the possible purchase of Fire Trucks as presented by the Fire Chief at the Study Session of March 7, 2011. The Chief reported that he learned of the opportunity to acquire up to two demonstrators made by *American La France*, which owing to a reorganization and related economic factors were not sold. The pumper trucks were model years 2008 and 2009 that have never been titled. These would be like new. The price would be at \$250,000 each. It was noted that these vehicles individually retailed for \$542,000.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, March 14, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak, presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Councilor Mark Herak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Brian Novak and Konnie Kuiper. Councilor Dan Vassar was absent owing to work-related travel. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; and Cecile Petro, Redevelopment Director were present.

**Also Present:** Dawn Wolak, Karen Ziants and Rose James of the Community Events Commission; and Ed Dabrowski, IT Director, were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 28 February 2011 were approved by general consent.

**Special Orders:**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2011 Budget Gaming Revenue Sharing Fund in the amount of \$57,058.25 and the Special Public Safety Fund in the amount of \$485,000.

- (a) Attorney verification of Proofs of Publication: (The TIMES 02 March 2011.) The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2011-10:** An Enactment Appropriating Additional Moneys in Excess of the 2011 Budget of the Gaming Revenue Sharing Fund in the amount of \$57,058.25 and the Special Public Safety Fund in the amount of \$485,000.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Enactment No. 2011-10. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Enactment No. 2011-10. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

Town of Highland  
Appropriation Enactment  
Enactment No. 2011-10

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the GAMING REVENUE SHARING FUND, AND THE SPECIAL PUBLIC SAFETY FUND, PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Gaming Revenue Sharing Fund** and the **Special Public Safety Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Gaming Revenue Sharing Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GAMING REVENUE SHARING FUND

Acct. No. 2XX.XX Road Salt:	\$ 30,000.00
Total Series:	\$ 30,000.00
Acct. No. 4XX.XX Cline Avenue Added Local Match:	\$ 27,058.25
Total Series:	\$ 27,058.25
Total for Fund:	\$ 57,058.25

**Section 2.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Public Safety Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

SPECIAL PUBLIC SAFETY FUND

Acct. No. 3XX.XX Engineering Services:	\$ 97,000.00
Total Series:	\$ 97,000.00
Acct. No. 4XX.XX Optical Signal Delaying System:	\$ 388,000.00
Total Series:	\$ 388,000.00

**Total for Fund:** \$ 485,000.00

**Section 3.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 4.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 14<sup>th</sup> Day of March 2011. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 14<sup>th</sup> Day of March 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

**ATTEST:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Staff Reports:** The Council received the following reports as information for the record:

• **Building & Inspection Report for February 2011**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial	0	0	0	\$0.00	\$0.00
Buildings:					
Commercial	3	0	3	\$185,200.00	\$2,446.50
Additions or					
Remodeling:					
Signs:	2	0	2	\$27,300.00	\$1,038.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential	0	0	0	\$0.00	\$0.00
Additions:					
Residential	19	19	0	\$113,066.00	\$2,608.50
Remodeling:					
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	0	0	0	\$0.00	\$0.00
Fences	0	0	0	\$0.00	\$0.00
Swimming pools:	0	0	0		\$0.00
Drain Tile	5	5	0	\$4,207.00	\$117.00
/Waterproofing					
Misc.	0	0	0	\$0.00	\$0.00
<b>Total:</b>	<b>29</b>	<b>24</b>	<b>5</b>	<b>\$329,773.00</b>	<b>\$6,210.50</b>
<b>Electrical</b>	<b>7</b>	<b>4</b>	<b>3</b>		<b>\$577.00</b>
<b>Permits</b>					
<b>Mechanical</b>	<b>3</b>	<b>2</b>	<b>1</b>		<b>\$238.50</b>
<b>Permits</b>					
<b>Plumbing</b>	<b>6</b>	<b>2</b>	<b>4</b>		<b>\$904.50</b>
<b>Permits</b>					
<b>Water Meters</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Sewer/Storm</b>	<b>1</b>	<b>1</b>	<b>0</b>		<b>\$1,840.00</b>
<b>Taps</b>					
<b>Total:</b>	<b>7</b>	<b>3</b>	<b>4</b>		<b>\$2,744.50</b>

**February Code Enforcement:**

Warnings: 143  
Citations: 43  
Fines paid: \$1,275.00

**February Inspections:**

Building: 3                      Electrical: 17                      Plumbing: 12  
Electrical Exams: 2              Red Tag / Added Inspections: 1              Fees: \$31.00

**February Licenses and Filing:**

Contractor Licenses: 72                      Fees: \$3,600.00  
Contractor Applications: 13                      Fees: \$ 325.00  
Amusement Licenses:                      Fees: \$7,300.00  
Filing and Signs:                      Fees: \$305.00

• **Fire Department Report for February 2011**

	Month	Y.T.D.
General Alarms	12	19
Car Fires	1	4
Still Alarms	5	7
Paid still alarms	1	
<b>Total:</b>	19	30

• **Workplace Safety Report for February 2011**

There was one incident in February. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2011	Total in 2010	Restricted Days 2011	Lost Workdays This Year	Restricted Days Last Year (2010)	Lost Workdays Last Year (2010)
Parks	0	0	2	0	3	25	3
Fire	0	0	2	0	0	0	0
Police	1	1	9	0	0	39	23
Street	0	0	1	0	0	0	0
Water & Sewer	0	0	1	0	46	88	0
Maint.	0	0	1	0	0	68	0
Other	0	1	2	0	0	0	0
<b>TOTALS</b>	1	2	18	0	46	220	26

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Appointments:**

• **Home Rule Boards and Commissions**

Executive Appointments made by Town Council President  
Legislative or Fiscal Body Appointments made by Town Council

**Legislative Appointments:**

1. **Main Street Bureau Board of Directors:** (11) legislative appointments. (*Term: Expires 1<sup>st</sup> Monday in January after appointment; thereafter 2 years.*)

Councilor Zemen moved that **Allencia Ballard**, 9630 Erie Street, Highland; **Lisa A. Gibson**, 3247 Duluth Street, Highland; **Shirley A. Frankiewicz**, 3023 Eder Street, Highland; **Robert J. Hanrahan III**, 3208 Grand Boulevard, Highland; and **George Siemer**, 3133 Lakeside Drive, Highland be appointed to the Main Street Bureau Board of Directors. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The named persons were appointed.

**Comments from the Town Council Members**

(For the Good of the Order)

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison • Redevelopment Commission Liaison.*

Councilor Zemen acknowledged the Redevelopment Director who reported that at its meeting of March 23 the Redevelopment Commission would be meeting with the Main Street Bureau Board.

- **Councilor Mark Herak:** *Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak reported that the Board of Waterworks Directors noted that only 65 meters remained that had not been retrofitted for the radio transmitted readings devices. He recognized the Public Works Director who reported that the Sanitary Board of Commissioners would be awarding the bid for the Parrish avenue Sanitary Sewer Extension Project.

Councilor Herak also commended and expressed appreciation to Attorneys Rhett Tauber and Jim Shanahan as well as the Clerk-Treasurer for their efforts before and during the Department of Local Government Finance Hearing regarding the budget generally and the Park and Recreation financing for Lincoln Center Reconstruction particularly.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison.*

Councilor Kuiper commended the progress made on the remodeling of the building at the site of Circle GMC Buick, recently relocated to the Town from Schererville.

- **Council President Brian Novak:** • *Town Executive • Police Pension Board of Trustees Chair • Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

The Town Council President recognized the Building Commissioner, who offered a cursory overview of pending matters before the Plan Commission and the Advisory Board of Zoning Appeals.

**Payment of Accounts Payable Vouchers.** There being no comments from the public or visitors, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending vendor's pay docket, covering the period March 1, 2011 through to March 14, 2011. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$277,385.27; Motor Vehicle Highway and Street (MVH) Fund, \$34,898.86; Forfeited and Seized Assets Fund, \$514.84; Law Enforcement Cont. Education and Supply Fund, \$154.94; Flexible Spending Account Agency Fund, \$1,184.38; Insurance Premium Fund, \$127,338.29; Gasoline Fund, \$873.40; Information and Communications Technology Fund, \$5,698.72; Civil Donation Fund, \$35.45; Traffic and Law Violations Agency Fund, \$6,827.50; Sexual Predator Grant Fund, \$2,800.00; Gaming Revenue Sharing Fund, \$25,205.05; Payroll Fund, \$5.55; Total: \$482,922.25.**

**Adjournment.** Councilor Kuiper moved that the regular meeting of the Town Council be adjourned. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The meeting was adjourned at 7:24 o'clock p.m.

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting of Monday, February 28, 2011 at 7:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Brian Novak and Konnie Kuiper were present. Councilor Dan Vassar was absent owing to work related travel. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Also present:** Peter T. Hojnicky, Metropolitan Police Chief was also present.

**General Substance of Matters Discussed.**

1. The Town Council, the Clerk-Treasurer and the Metropolitan Police Chief discussed the feasibility and the permissibility of authorizing the position of Deputy Commander while maintaining 3 Commander's positions. The current language of the Wage and Salary Ordinance provides that the force may either have 2 Commanders and 1 Deputy Commander or 3 Commanders. It prohibits employing a Deputy Commander while there are three active Commanders.

The Metropolitan Police Chief indicated his desire to appoint Sgt. John Banasiak to the position that would be rewritten from its current job description. He advocated that the position would still perform the duties associated with a patrol Sergeant, but would also be responsible for fostering for all shifts the same pattern and approach to the paperwork and management of the shift as Sgt. Banasiak exhibits with his own shift. The Chief described this as fostering "consistency among the several shifts."

The discussion included an exploration of the comparative merits of such a modification to the wage and salary ordinance, including whether or not the particular responsibilities or tasks as described could not instead be assigned to the Commander of Patrol who by rule of the Town Board of Metropolitan Police Commissioners also serves as Assistant Chief or some other existing position. The discussion also included the observation that the ratio of supervisory or administrative to non-supervisory positions in the sworn personnel was a possible matter of concern, with 1 Chief, 3 commanders, 1 deputy commander, 8 authorized sergeants, and 10 authorized corporals, bringing the supervisory numbers up to 23 out of an authorized force strength of 41.

The Metropolitan Police Chief indicated that he hoped to also allow for the designation to begin to develop future leadership for the department. He further noted that there would be no increase in costs as the salary of a deputy commander and a sergeant are the same.

**Adjournment.** There being no further business to be discussed by the Town Council, the study session of the Town Council, immediately following the plenary meeting of **Monday, February 28, 2011**, was adjourned at 7:55 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer